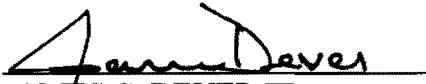


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-HC-2086-D

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) **ORDER**
)
RICHARD S. GARCIA,)
)
Respondent.)

On June 23, 2010, Richard S. Garcia ("Garcia" or "respondent") filed a motion to dismiss [D.E. 8] the government's petition for his commitment pursuant to 18 U.S.C. § 4248. The United States Court of Appeals for the Fourth Circuit's recent decision in United States v. Comstock, Nos. 07-7671, 07-7672, 07-7673, 07-7674, 07-7675, 2010 WL 4925389 (4th. Cir. Dec. 6, 2010), controls the issues presented in respondent's motion to dismiss. Therefore, the motion to dismiss [D.E. 8] is DENIED.

SO ORDERED. This 18 day of January 2011.


JAMES C. DEVER III
United States District Judge